

slab structures within front yards shall not extend more than ten feet (10') beyond one side of a driveway .

**Section 16.6. FENCES AND HEDGES.**

1. Fences within all residential zoned districts shall not be constructed more than fifty percent (50%) solid or more than four feet (4') in height in any front yard. Please reference Section 16.4.6 when considering fences in front or side yards.
2. Except as provided above, solid or privacy fences up to seven feet (7') in height may be erected in any required side or rear yards. Fences in excess of seven feet (7') may be allowed by special exception by the Board of Adjustment in instances where the fence will screen and protect the public view against certain junk, salvage, scrap or other commercial or industrial uses.
3. Fences are permitted to be built up to the property line. Hedges and other perennial plantings shall not be planted closer than two feet (2') to any property line.
4. Fences within all residential zoned districts shall not be constructed of corrugated tin, metal or fiberglass; or sheet metal or fiberglass. The Planning and Zoning Commission, upon recommendation of the zoning administrator, will have the determination of materials used in fencing if the zoning administrator has questions on the structural integrity, safety or effective use of such proposed fencing.
5. Fences located within the (A-1) Agricultural District are not subject to the fence and hedge regulations listed in items 1-4 above.

**Section 16.7. BUILDINGS TO HAVE ACCESS.**

Every principal use hereafter erected or structurally altered, shall be on a lot or parcel having frontage on a public street or road, or on a lot or parcel with access to a public or private street.

**Section 16.8. USE OF PUBLIC RIGHT-OF-WAYS.**

No portion of the public road, street or alley right-of-way shall be used, or occupied by an abutting use of land or structure for row cropping purposes, storage or display purposes, or to provide any parking or loading space required by this ordinance.

**Section 16.9. HEIGHT EXCEPTIONS.**

The following structures shall be exempt from the height requirements provided in the district in which the structure is located: television and radio towers, other receiving antennas, church spires, belfries, monuments, farm buildings, penthouses and domes not used for human occupancy, tanks, water and fire towers, water tanks, wind energy devices, stage towers or scenery lofts, cooling towers, grain elevators, silos, utility poles, essential services, ornamental towers, elevator bulkheads, drilling rigs, conveyors, flagpoles and other pertinent mechanical apparatuses. These structures or accessories may be erected to a greater height provided all towers or structures exceeding height requirements shall conform where applicable to the requirements of the Federal Communications Commission, the Federal Aviation Administration and other public authorities having jurisdiction. No tower or structure shall be permitted to

extend into approach zones, clear zones or other restricted air space required for the protection of the flying public. All communications towers shall be subject to the heights and limitations imposed in Section 25.7.4 of this ordinance, Supplemental Standards.

Public, semi-public, or public service buildings, hospitals or schools when permitted in a district may be erected to a greater height than otherwise permitted in the district if the building is set back from each property line at least one foot (1') in addition to the minimum yard requirements for each two feet (2') of additional building height above the maximum height permitted in the district.

#### **Section 16.10. AIRPORT HEIGHT LIMITATIONS.**

The provisions of this section shall apply to development within identified zones near and surrounding the Northwest Iowa Regional Airport near Spencer, Iowa; and located at an elevation of 1,340.7 feet above mean sea level.

1. Airport Height Zones and Height Limitations. Except as otherwise provided in this ordinance, no structure shall be erected, altered or maintained and no tree shall be allowed to grow in any zone created by this ordinance to a height in excess of the applicable height limit herein established for such zone. Such applicable height limitations are hereby established for each of the zones in questions as follows:

a. *Primary Surface Zone -*

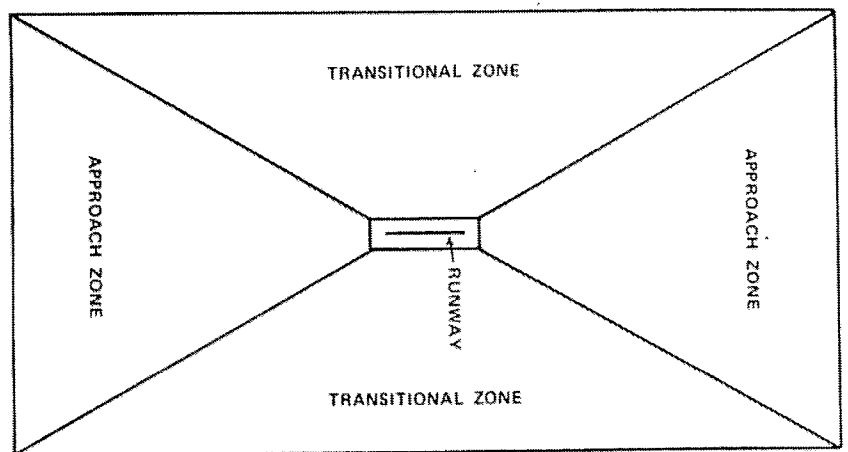
The surface longitudinally centered on a runway. The primary surface is extended two hundred feet (200') beyond each end of each runway. The width of the primary surface is one thousand feet (1,000'). The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

t. *Approach Zone -*

Slopes twenty feet (20') outward for each foot upward on the extended runway centerline, extending outward and upward from the end at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.

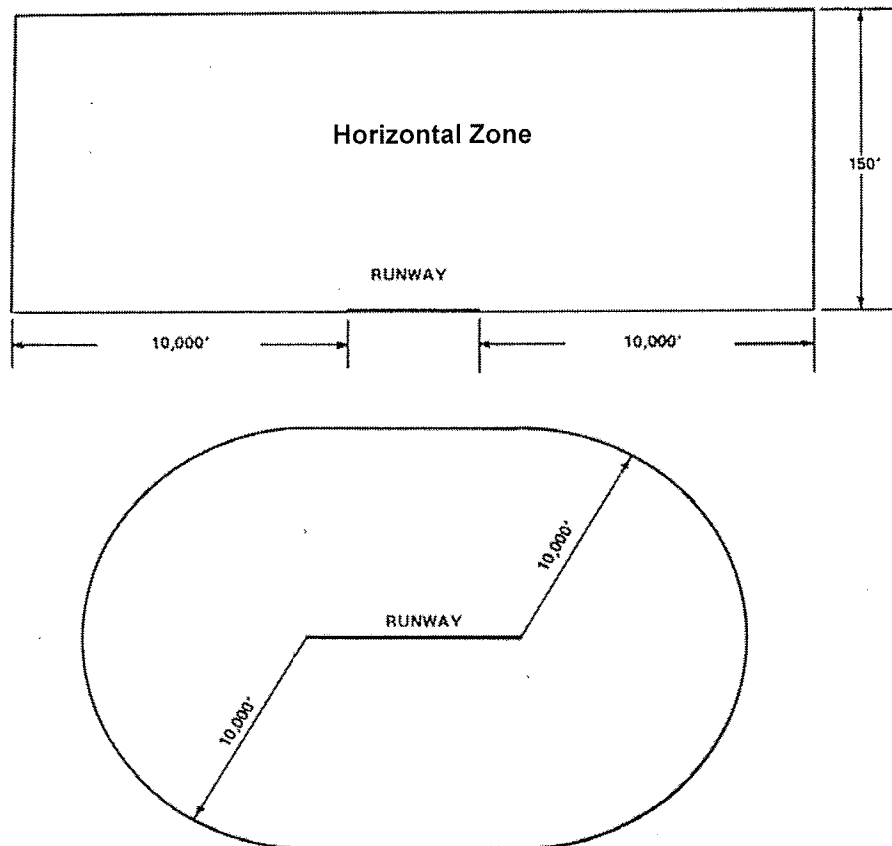
c. *Transitional Zone -*

Slopes seven feet (7') outward for each one foot (1') upward beginning at the sides of and at the same elevation as the primary surface extending to a height of 150 feet above the airport elevation which is 1,340.7 feet above mean sea level. The transitional zone, using the above stated formula, will be established for a distance of 1,050 feet perpendicular to the primary runway surface.



d. *Horizontal Zone* -

Established at 150 feet above the airport elevation or at a height of 1,490.70 feet above mean sea level. The horizontal zone is established by swinging arcs of ten thousand feet (10,000') radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the visual approach and transitional zones. Variances will be required for a structure exceeding a horizontal plane 150 feet above the established airport elevation within a perimeter found by drawing radii of 10,000 feet from the runway ends and connecting these arcs with tangents.



e. *Conical Zone* -

The conical zone is a surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty to one (20:1) for a horizontal distance of four thousand feet (4,000'). Slopes twenty feet (20') outward for each foot upward beginning at the periphery of the horizontal zone and at one hundred fifty feet (150') above the airport elevation and extending to a height of three hundred fifty feet (350') above the airport elevation.

2. Airport Height Use Restrictions. No use may be made and no building or structure may be constructed, located, moved in or erected in any airport zone in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird

strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff or maneuvering of aircraft intending to use the Northwest Iowa Regional Airport.

The runway protection zone is an area "off the end of the runway threshold established to enhance the protection of people and property on the ground" in the event an aircraft lands or crashes beyond the runway end. Runway protection zones underlie a portion of the approach closest to the airport. Compatible land uses within the runway protection zone is generally restricted to such land uses as agricultural and uses that do not involve congregations of people or construction of buildings or other improvements that may be obstructions. Agricultural operations (other than forestry or livestock farms) are expressly permitted under this provision. Golf courses (but not clubhouses), although discouraged, may be permitted if a wildlife hazard assessment determines that it will not provide an environment attractive to birds. Automobile parking facilities, although discouraged, may be permitted, provided the parking facilities and any associated appurtenances, in addition to meeting all of the preceding conditions, are located outside of the object free area extension. Land uses prohibited from the runway protection zone include residences and places of public assembly such as churches, schools, hospitals, office buildings, shopping centers, and other uses with similar concentrations of persons typify places of public assembly.

Prohibited Uses - regardless of any other provisions of this section, no use may be made of land or water within any zone established by this chapter in such a manner as to do any of the following:

- a. Create electrical interference with navigational signals or radio communication between the airport and aircraft;
- b. Imitate airport lights - all lights or illumination used in conjunction with streets, parking, signs or use of land and structures shall be arranged and operated in such a manner that is not misleading or dangerous to aircraft operating from the Northwest Iowa regional airport, or in the vicinity thereof;
- c. Result in glare in the eyes of pilots using the airport;
- d. Create bird strikes; or
- e. Endangerment of aircraft or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

2. Lighting. The owner of any structure over two hundred feet (200') above ground level must install, on the structure, lighting in accordance with Federal Aviation Administration (FAA), advisory circular 70-7460-1D and amendments. Additionally, any structure, constructed after the effective date of this ordinance and exceeding nine hundred forty nine feet (949') above ground level, must install on that structure high intensity white obstruction lights in accordance with chapter 6 of FAA advisory circular 70-7460-1D and amendments.

3. Variances. Any person, firm or corporation desiring to erect or increase the height of any structure, or to permit the growth of any tree, or otherwise use property not in accordance with the regulations of the Section may apply to the Board of Adjustment for variance from such regulations. The application for a variance shall be accompanied by a determination from the

Federal Aviation Administration (FAA) as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable air space.

4. Nonconforming Uses. The regulations prescribed in the Section shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this ordinance. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date hereof. No permit shall be granted that would allow a nonconforming use or structure to become a greater hazard to air navigation than it was on the effective date hereof, or any amendment hereto, or than it is when the application for a permit is made.